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Attorneys for Specially Appearing for

6 Third-Party Defendants, ASIA PACIFIC OIL &

GAS LTD., a Seychelles Islands entity,

7 AMIRZHAN JAKISHEV, and ADILZHAN DZHAKISHEV

8

UNITED STATES DISTRICT COURT

9

CENTRAL DISTRICT OF CALIFORNIA

10

11 KAZENERCOM TOO; ET AL.,

) CASE NO. 08:09cv00059-JVS

12

Plaintiffs,

) Assigned for All Purposes to:

13

v.

) Hon. James V. Selna

) Dept: 10C

14

TURAN PETROLEUM, INC.; ET AL.,

)

15

Defendants.

) Date Action Filed: January 14, 2009

) Trial Date: None Set

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TURAN PETROLEUM, INC.,

)

17

Defendant and Counterclaimant,

) **DECLARATION OF AMIRZHAN JAKISHEV**

) **IN SUPPORT OF THIRD-PARTY**

18

v.

) **DEFENDANTS' MOTION TO DISMISS**

) **SECOND AMENDED THIRD-PARTY**

19

YERKIN BEKTAYEV and KANET
MEIRMANOV,

) **COMPLAINT OF YERKIN BEKTAYEV AND**

) **KANET MEIRMANOV**

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Plaintiffs and Counterdefendant.

)

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TURAN PETROLEUM, INC.,

) [Filed concurrently with: [Proposed] Order;

) Motion to Dismiss; Declarations of Adilzhan

) Dzhakishev and John R. Flocken, Esq.]

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Defendant and Third-Party Plaintiff,

)

23

v.

) Date: April 30, 2012

) Time: 1:30 p.m.

24

WELLS FARGO, N.A., YERKIN AKKUZOV,
SABIRGAN DUHALIEV, IGOR MAXIMOV,

)

) Courtroom: 10C

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Defendants in Third-Party Complaint.

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YERKIN BEKTAYEV and KANET

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**DECLARATION OF AMIRZHAN JAKISHEV IN SUPPORT OF THIRD-PARTY DEFENDANTS'
MOTION TO DISMISS SECOND AMENDED THIRD-PARTY COMPLAINT OF YERKIN
BEKTAYEV AND KANET MEIRMANOV**

1 MEIRMANOV,)
2)
3 Counterdefendants and Third-Party)
4 Plaintiffs,)
5)
6 v.)
7)
8 ASIA PACIFIC OIL & GAS LTD. (incorporated)
9 in the Seychells Islands); AMIRGAN)
10 DZHAKISHEV, ADILZHAN DZHAKISHEV,)
11 YURI VANETIK; ROBERT VAN DUREN;)
12 ROBIN BISARYA; OKKE FINANCIAL LTD.;)
13 ALCINA COMPANY CORP., PINGTON)
14 INVESTMENT LTD.; PINE BROOK S.A.,)
15 HINES INVESTMENTS S.A.; ESSEX)
16 MANAGERS LTD.; VARRIAL FINANCIAL)
17 TRADING LTD.; COAST FINANCE LTD.;)
18 FREEMAN FREEMAN SMILEY LLP,)
19)
20 Third-Party Defendants.)
21)
22)
23)
24)
25)
26)
27)
28)

14 I, Amirzhan Jakishev, declare:

15 1. I am a citizen and full-time resident of the nation of Kazakhstan. I have been
16 named a third party defendant in the above action. I make this declaration based on my
17 own knowledge and, if called as a witness, could and would testify competently to the
18 matters stated herein.
19

20 2. I am informed that third-party plaintiffs Yerkin Bektayev and Kanet Meirmanov
21 ("Plaintiffs") attempted to serve the original Verified Third-Party Complaint in this matter on
22 me by mail or delivery thereof to my former residence, located at 30 Rubinshtein Street,
23 Almaty, Republic of Kazakhstan. I have not resided at that address for at least the past
24 three years. The current residents at the time of the attempted service at the above
25 address are not and never have been my managing or general agents or employees. Nor
26 have they ever been authorized by me to accept service of process for any legal action
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1 against me. At the time of such attempted service, I was not there. Nor were any of the
2 other third party defendants present at the time of such attempted service.

3 3. I am further informed that Plaintiffs claim that they served the Verified
4 Amended Third-Party Complaint in this matter on me by electronic mail and First Class
5 Mail on or about June 30 and/or July 8, 2009, at the former California residence of my
6 brother, Adilzhan Dzhakishev, located at 33 Skyridge, Newport Coast, California 92657.
7 I never resided at this former residence of my brother. Nor do I have a place of business
8 at my brother's former California residence. Nor was I present at the time of such alleged
9 service.
10

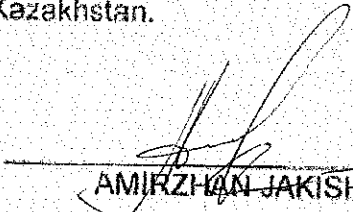
11 4. The residents of 33 Skyridge are not and never have been my managing or
12 general agents or employees. Nor have they ever been authorized by me to accept service
13 of process or any legal action against me. I am unaware if Plaintiffs attempted to serve me
14 by any other means than described above.
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16 5. I have never imported or otherwise distributed any products to consumers in
17 the State of California or anywhere else in the United States. I have never owned or
18 leased any property in California or the United States. Nor have I conducted any
19 advertising or marketing in California or the United States. Nor do I have any registered
20 agents for service of process in the United States. Other than the present special
21 appearance, I have never sought use of the courts within California or elsewhere in the
22 United States. Nor have I been personally served with process or papers for any lawsuit
23 in California or the United States. Nor have I operated a business, operated a web site,
24 or issued press releases in the United States. I have never applied for a loan in California.
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1 6. I have never lived in California or the United States. I have vacationed in
2 California once in 2007 and again at the end of 2008 extending to the beginning of 2009.
3 These visits were not related to Plaintiffs' claims in any way. I have lived in Kazakhstan
4 all of my life. I have no intention of ever moving to the United States or seeking residence
5 in the United States. I have never conducted or solicited any business in California or the
6 United States.
7

8 7. I am neither the agent nor nominee for Asia Pacific for service of process.
9 Contrary to Plaintiffs' allegations, I have not been involved in any unlawful transfer of
10 Turan's or any other entity's stock, I have not been involved in the receipt of proceeds that
11 originated from California, and I have not knowingly violated any California laws, including
12 the California Uniform Fraudulent Transfer Act, or any other law, or damaged Plaintiffs in
13 any way.
14

15 I declare under penalty of perjury under the laws of the State of California and the
16 United States of America that the foregoing is true and correct. Executed on this 29 day
17 of March, 2012, at Astana, Republic of Kazakhstan.
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21 
22 AMIRZHAN JAKISHEV
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